

REMARKS

This paper is submitted in response to the Final Office Action dated February 3, 2010. In the Office Action, claims 1-17 are pending. Claims 1-17 are rejected on bases described below. Claim 6 is further objected to as further described below. The Examiner has made the rejection final. On entrance of this Amendment, claim 1 is amended and claim 5 is cancelled without prejudice. A Request for Continued Examination is filed concurrently herewith. Reconsideration is requested.

Claim 6 is objected to based on an informality relating to recitation of a unit of measure. Claim 6 has been amended.

Claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, for assertedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner takes issue with claims 1 and 17 claiming no use of an "ozone decomposition catalyzer." The Examiner contends that the required broadest reading of the claims requires consideration of the specification which the Examiner states teaches use of materials that act or serve as ozone decomposition catalyzers." This rejection and basis therefore is respectfully traversed.

The Examiner first refers to titanium oxide in the dielectric layer. OA p. 3. However, titanium oxide within the molecular structure of a dielectric, as disclosed, could not act as a catalyzer. See specification paragraph [0023] as originally filed (disclosing glass with titanium dioxide additive). Further, though it is acknowledged that some forms of titanium dioxide could be used as an ozone decomposition catalyst, not all forms of titanium dioxide can function in this way and in many instances the interaction with titanium dioxide with other molecules within a complex molecular structure results in materials unable to act in this way. With these known variables and functions of titanium dioxide, which are against the Examiner's summary conclusion and basis therefore, the Examiner is required to come forth with more specific evidence to support the rejection which has not been provided.

Respecting the other materials the Examiner contends Applicant has not addressed, for example the casing material, it is noted that the Examiner has highlighted aluminum as being an ozone decomposition catalyst. Although Applicant again generally acknowledges that aluminum in a pure form can serve as a catalyzer, the specification also makes clear that the ozone "rapidly decomposes to a physiologically acceptable level outside the [inactivation] zone, which obviates the need for the use of special catalysts...." Specification paragraph [0025]. It is clear from the specification that the casing is, in fact, not providing the special catalyst as the Examiner suggests. Assuming for the sake of argument only that aluminum always provides such a catalyst, the specification discloses other suitable materials as admitted by the Examiner. In view of the specification, the Examiner's reading is against the express technical disclosure and teaching of the specification and is therefore, improper. The Examiner is requested to provide further evidence in support of the asserted conclusion to meet the required burden should the rejection on this basis not be withdrawn.

The Examiner also refers to FILTRETE filters manufactured by 3M, some of which contain titanium oxide. The assignee of the present invention has been in contact with an employee of 3M, who has confirmed that the titanium oxide in the 3M FILTRETE filters is added to color the filters white, and is not present in a form or quantity that could allow it to act as an ozone decomposition catalyzer. The use of titanium oxide as a whitener is extremely well known in the chemical industry and something a skilled person would be familiar with. In the event that the Examiner requires verification of these facts, Applicant requests that the Examiner so advise. As argued above, the claim and the specification supports the non-use of an ozone decomposition catalyzer. The Examiner's conclusions against the claims and clear teaching of the specification is improper and withdrawal of the rejection as to independent claims 1 and 17 is requested.

Claims 1, 2, 7-10 and 17 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Yikai in view of Bennett.

Applicant has amended claim 1 to include the limitations of claim 5 respecting the power rating range of the discharge ozone generator. Support for the amendment to claim 1 is provided

on page 5, paragraph [0014] in the specification as originally filed. It is noted that the cited earlier patent application by Hallam describes a hand drier that has an ozone generator operated at 36W. This application was, however, abandoned because it was found in practice that the ozone level output from the hand drier was unsafe and impractical. The claimed invention is therefore, easily distinguishable and non-obvious over from the cited reference.

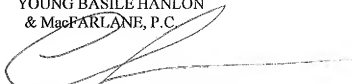
No prior art of record alone, or in permissible combination, discloses the novel, non-obvious claimed structure and unexpected benefits or results of the claimed combination of a low power ac field and the earthed casing to clean the air inside of an inactivation zone and the subsequent decomposition of ozone without the need for an ozone decomposition catalyst. Reconsideration is requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places complies with after final practice and entrance of this amendment is proper and warranted. Applicant asserts that this application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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& MacPARLANE, P.C.

A large, stylized handwritten signature in black ink, likely belonging to Christian J. Garascia, is written over the firm name and extends horizontally across the page.

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